

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

GABBY KLEIN, DONALD SHERBONDY, SARAH
SHERBONDY AND CONSTRUCTION LABORERS
PENSION TRUST OF GREATER ST. LOUIS,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

ALTRIA GROUP, INC., HOWARD A. WILLARD III,
WILLIAM F. GIFFORD, JR., JUUL LABS, INC.,
ADAM BOWEN, JAMES MONSEES, KEVIN
BURNS, and K.C. CROSTHWAITE,

Defendants.

No. 3:20-cv-00075-DJN

**JOINT MOTION TO AMEND BRIEFING SCHEDULE
AND ALLOW ADDITIONAL PAGES**

Lead Plaintiffs Construction Laborers Pension Trust of Greater St. Louis, Donald Sherbondy, and Sarah Sherbondy (collectively “Lead Plaintiffs”) and Defendants Altria Group, Inc., Howard A. Willard III, William F. Gifford, Jr., JUUL Labs, Inc., Adam Bowen, James Monsees, Kevin Burns and K.C. Crosthwaite (collectively, “Defendants,” and with Lead Plaintiffs, the “Parties”), by counsel, submit this joint motion to amend the briefing schedule that the Court entered in its order of February 26, 2020 (Dkt. No. 72) and to permit the parties additional pages for their briefs in connection with Defendants’ forthcoming motions to dismiss. In support of this motion, the Parties state as follows:

1. On February 26, 2020, the Court entered an Order adopting a proposed schedule, which the United States District Court for the Eastern District of New York had entered prior to the transfer of this case to this district. The February 26, 2020 order required Lead Plaintiffs to

file a consolidated amended complaint by March 24, 2020; defendants to answer, move to dismiss, or otherwise respond to the consolidated amended complaint within 60 days; Lead Plaintiffs to file any opposition brief within 60 days after defendants filed their motion to dismiss; and defendants to file any reply brief within 45 days after Lead Plaintiffs file their opposition brief.

2. General Order Nos. 2020-03 and 2020-07 extended the deadline for Lead Plaintiffs' consolidated amended complaint to April 21, 2020.

3. On April 21, 2020, Lead Plaintiffs filed a 160-page consolidated complaint that named JUUL Labs, Inc., Adam Bowen, James Monsees, Kevin Burns and K.C. Crosthwaite as additional defendants. *See* Dkt. No. 74.

4. The defendants added to the consolidated complaint have executed waivers of service. By operation of those waivers, certain of the additional defendants must move, plead, or otherwise respond to the consolidated complaint by June 29, 2020, while others must move, plead, or otherwise respond by July 6, 2020. *See* Dkt. Nos. 75-79; Fed. R. Civ. P. 4(d)(3).

5. Because Defendants' forthcoming motions to dismiss will involve the same underlying allegations and similar causes of action, it will be more efficient for the Court to hear those motions at the same time and maintain a uniform briefing schedule for all Defendants.

6. In addition, because of the length of the consolidated complaint, there is good cause for the Court to allow additional pages for their briefs in connection with the forthcoming motions to dismiss in excess of those permitted under Local Civil Rule 7(F)(3).

7. The Parties therefore request that the Court amend the briefing schedule set forth in its February 26, 2020 order as follows:

- a. Defendants shall answer, move to dismiss, or otherwise respond to the consolidated complaint by July 8, 2020;

- b. If Defendants move to dismiss, Lead Plaintiffs shall file their opposition by September 17, 2020;
- c. Consistent with the Court's prior order, Defendants shall file their replies within 45 days after Lead Plaintiffs file their opposition;
- d. Defendants Altria Group, Inc., Howard Willard, and William Gifford may have 10 additional pages for any brief they jointly submit in support of a motion to dismiss;
- e. Lead Plaintiffs may have 10 additional pages for any opposition brief responding to a motion to dismiss by Defendants Altria Group, Inc., Howard Willard, and William Gifford.

Dated: June 1, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2020, I caused a true and correct copy of the foregoing to be filed on the Electronic Case Filing System, which will send a notice of electronic filing to all counsel of record.

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